

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MATTHEW LINDSAY,  
Plaintiff,

v.

NORTH ATLANTIC TREATY  
ORGANIZATION,  
Defendant.

CASE NO. C23-0546-KKE

ORDER OF DISMISSAL WITH  
PREJUDICE

This matter comes before the Court on Plaintiff Mr. Lindsay's amended complaint. Dkt. No. 14. The Court has thoroughly reviewed the allegations in the complaint (Dkt. No. 1), amended complaint (Dkt. No. 14), and Mr. Lindsay's other substantive filings (Dkt. Nos. 11, 13, 16). For the reasons stated below, the Court finds that Mr. Lindsay lacks standing to bring this action and that this matter must be dismissed for lack of subject-matter jurisdiction.<sup>1</sup>

**I. BACKGROUND**

On April 7, 2023, Mr. Lindsay, proceeding *pro se*, filed a complaint against the North Atlantic Treaty Organization ("NATO") alleging violations of 22 U.S.C. §§ 2767 and 2403 for

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<sup>1</sup> Because the lack of standing is dispositive, the Court will not analyze the procedural issues that remain, which include a failure to effect proper service on any of the Defendants under Federal Rule of Civil Procedure 4 and a failure to properly amend the complaint under Federal Rule of Civil Procedure 15.

1 illegal shipments of “taxpayer arm[a]ments” and seeking one billion dollars in damages as well as  
2 an “immediate injunction.” Dkt. No. 1 at 3.

3 On November 1, 2023, Mr. Lindsay filed a document entitled “Motion to Show Cause”  
4 that provides additional allegations to support his claim. Dkt. No. 13. In this document Mr.  
5 Lindsay lists the following additional causes of action: “VIOLATIONS of 18 U.S.C. 3056, Civil  
6 Rights Act of 1871, 42 U.S.C. § 1983” (Dkt. No. 13 at 1, 4); violations of “the ‘War Powers Act’  
7 Title 50 U.S.C. § 1541 et seq. (1973) and the Nuclear Non-Proliferation Act of 1978 and various  
8 Maritime laws” (*id.* at 2, 4); violations of “United Nations Resolution 2388” (*id.* at 3, 4); and  
9 violations of the Fourteenth Amendment and due process clause (*id.* at 5). Mr. Lindsay also lists  
10 the following individuals as “additional Defendants”: President Joe Biden, Vice President Kamala  
11 Harris, Secretary of State Anthony Blinken, and National Security Advisor Jake Sullivan. *Id.* at  
12 5. Mr. Lindsay also provides additional factual allegations about the wars in Israel and Ukraine  
13 and the separation of families at the southern border. *Id.* at 2, 3, 5.

14 On November 11, 2023, Mr. Lindsay filed an amended complaint that identifies these  
15 claims:

- 16 • Violations of 22 U.S.C. §§ 2767 and 2403 by NATO, the Department of Defense,  
17 the Biden Administration, the former Trump Administration and the current House  
18 of Representatives, for providing military aid to Ukraine and Israel (Dkt. No. 14 at  
19 1)
- 20 • Violations of 22 U.S.C. §§ 2767 and 2403, 18 U.S.C. § 3056, the Nuclear Non-  
21 Proliferation Act of 1978, and United Nations Resolution 2388 by President Joe  
22 Biden and Vice President Kamala Harris for humanitarian violations at the Mexican  
23 border and humanitarian violations in “Israeli Occupation of Palestine and Gaza”  
24 (Dkt. No. 14 at 2)

- Violations of 22 U.S.C. §§ 2767 and 2403, and 18 U.S.C. § 3056 by President Joe Biden and Vice President Kamala Harris for requesting congressional funds to support Israel in “the unlawful occupation of Palestine” (Dkt. No. 14 at 3)
- Violations of California Penal Code Section 11418.5 and the California Racial Justice Act of 2020 by Vice President Kamala Harris (*id.*)
- Impeachment “of the entire ‘Biden Administration’” (*id.*)

On January 16, 2024, Mr. Lindsay filed a motion for “process of service to be performed by the United States Marshall Service.” Dkt. No. 16. This document includes an “ADDENDUM TO THE STATEMENT OF FACTS,” that reiterates the basis for Mr. Lindsay’s claims are 22 U.S.C. §§ 2403 and 2767, The War Powers Act of 1973, The Nuclear Non-Proliferation Act of 1978, International Humanitarian Law, and United Nations Resolution 2388. Dkt. No. 16 at 5. Mr. Lindsay provides additional facts about his claims, which continue to be based on military action in Ukraine, Palestine, and Israel and retaliation from such action. *Id.* at 5–7.

## II. ANALYSIS

Article III of the Constitution limits the federal courts to the adjudication of actual cases and controversies. U.S. Const. art. 3, § 2. “If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3); *see also Bernhard v. Cty. of Los Angeles*, 279 F.3d 862, 868 (9th Cir. 2002) (“Federal courts are required sua sponte to examine jurisdictional issues such as standing.” (cleaned up)).

Article III requires, at an “irreducible constitutional minimum,” that a plaintiff have “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560–61 (1992)). The plaintiff must show a “concrete and particularized” and “actual or imminent” “invasion of a legally

1 protected interest.” *Lujan*, 504 U.S. at 560. A “concrete” injury must be “real” (*Spokeo*, 578 U.S.  
2 at 340), and an “imminent” one must be “*certainly* impending” (*Clapper v. Amnesty Int’l USA*,  
3 568 U.S. 398, 409 (2013) (quoting *Lujan*, 504 U.S. at 564 n.2)). An injury is “particularized”  
4 when it impacts a plaintiff in a “personal and individual way.” *Spokeo*, 578 U.S. at 339 (quoting  
5 *Lujan*, 504 U.S. at 560 n.1). “An interest shared generally with the public at large in the proper  
6 application of the Constitution and laws will not do.” *Arizonans for Off. Eng. v. Arizona*, 520 U.S.  
7 43, 64 (1997).

8 Mr. Lindsay has failed to allege any direct personal injury, actual or imminent, that he has  
9 suffered by Defendants’ alleged actions regarding Ukraine, Israel, or the southern border. While  
10 Mr. Lindsay claims generalized harms allegedly caused by Defendants’ actions, he has failed to  
11 show how Defendants have specifically injured him in a manner apart from the general population.  
12 “[S]tanding to sue may not be predicated upon an interest of the kind alleged here which is held in  
13 common by all members of the public, because of the necessarily abstract nature of the injury all  
14 citizens share.” *Schlesinger v. Reservists Comm. to Stop the War*, 418 U.S. 208, 220 (1974).

15 Federal courts across the country have dismissed similar complaints for lack of standing.  
16 See *Mottola v. Nixon*, 464 F.2d 178, 181 (9th Cir. 1972) (holding military reservists lack the  
17 standing to challenge the constitutionality of the President’s decision to send troops into Cambodia  
18 without a congressional declaration of war); *Pietsch v. Bush*, 755 F. Supp. 62, 66–67 (E.D.N.Y.  
19 1991) (holding that a citizen lacked standing to bring claims arising from the “invasion and  
20 occupation of the nation of Kuwait by the nation of Iraq”), *aff’d*, 935 F.2d 1278 (2d Cir. 1991).  
21 This Court can only hear cases in which the plaintiff can show a concrete and particularized harm,  
22 which Mr. Lindsay cannot do.

23 Generally, the Court will provide a *pro se* litigant the opportunity to cure deficiencies in a  
24 complaint, however, Mr. Lindsay’s lack of standing cannot be cured by amendment. See *United*

1 *States v. Corinthian Colls.*, 655 F.3d 984, 995 (9th Cir. 2011). Accordingly, the Court will not  
2 grant leave to amend and will dismiss this case with prejudice.

3 **III. CONCLUSION**

4 The Court DISMISSES this matter with prejudice because it lacks subject-matter  
5 jurisdiction over Mr. Lindsay's claims.

6 The Court STRIKES all case deadlines and TERMINATES all pending motions. Dkt. Nos.  
7 13 & 16.

8 The Court directs the Clerk to close the case.

9 Dated this 23rd day of January, 2024.

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12 Kimberly K. Evanson  
13 United States District Judge  
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